IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 22739 of 2007(F)

PETITIONER:

KUNJUMOIDEENKUTTY,
S/O.YAHUTTY, AGED 32 YEARS, KAKKIDI THAIVALAPPIL,
P.O.CHAMRAVATTOM, VIA B.P.ANGADI,
MALAPPURAM DISTRICT, KERALA.

BY ADV. SRI.K.M.FIROZ

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE REVENUE DIVISIONAL OFFICER,
TIRUR, MALAPPURAM DISTRICT.

3. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT.

4. THE SUB INSPECTOR OF POLICE/
STATION HOUSE OFFICER, TIRUR POLICE STATION,
TIRUR, MALAPPURAM DISTRICT.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 22739 OF 2007 - F

Dated this the 27th day of July, 2007

J U D G M E N T

The petitioner's vehicle bearing Registration No.KL10A/6327 has been seized on allegation of illegal transport of river sand. The petitioner submits that although the seizure was on 11.7.2007, no final orders have been passed by the third respondent as required under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. The petitioner therefore seeks interim custody of the vehicle pending passing of final orders.

2. I have heard the learned Government Pleader also.

3. In the facts and circumstances of the case, there would be a direction to the third respondent to release the vehicle to the petitioner on the petitioner depositing an amount of Rs.25,000/- (Rupees twenty five thousand only) and furnishing proof of ownership of the vehicle. This is subject further condition that the

petitioner shall not alienate or otherwise part with possession of the vehicle until final orders are passed by the third respondent.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007